

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-3157

United States of America,

Appellee,

v.

Herlie Demonse Johnson, Jr., also
known as Monze, also known as
Monse,

Appellant.

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Appeal from the United States
District Court for the
Northern District of Iowa

[UNPUBLISHED]

Submitted: March 18, 2004

Filed: March 24, 2004

Before BYE, McMILLIAN, and RILEY, Circuit Judges.

PER CURIAM.

Herlie Johnson appeals from the final judgment entered in the District Court¹ for the Northern District of Iowa upon revocation of his supervised release. The district court sentenced Johnson to 24 months imprisonment with no further

¹The Honorable Linda R. Reade, United States District Judge for the Northern District of Iowa.

supervised release. For the reasons discussed below, we affirm the judgment of the district court.

In 2002 Johnson pleaded guilty to conspiring to distribute less than 500 grams of powder cocaine in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), and 846. He was sentenced to 24 months imprisonment and 3 years supervised release. On the government's subsequent motion, Johnson's sentence was reduced to 21 months imprisonment and 30 months supervised release. Johnson commenced supervised release in February 2003. In August 2003, the government petitioned for revocation based on his multiple positive drug tests and multiple failures to report for drug testing, all of which Johnson admitted.

Having carefully reviewed the record, we conclude that the 24-month prison term imposed by the district court upon revocation does not exceed the statutory maximum, is within the range recommended by the Sentencing Guidelines policy statements, and is not an abuse of discretion. See United States v. Grimes, 54 F.3d 489, 492 (8th Cir. 1995) (standard of review).

Accordingly, we affirm, and we grant counsel's motion to withdraw.
